SBA Update

MARC Winter Meeting
January 2009

SBA Administrator

Karen Gordon Mills

Named in December to head the SBA

"Small business will be an important focus of this administration as we work our way through these difficult economic times."

SBA Area Contacts

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WOSB Program

- WOSB Federal Contract Assistance Procedures were finalized October 2008.
- Proposed Rule, January 12, reopened **comment period for eligible industries**.
  - Seeking comments **by March 13 on which data set to use to determine eligible industries**.
  - CCR data was used; non-public survey of business owners from the Economic Census was not used.
  - Seeking comments on which data provides soundest basis to identify under-represented WOSBs.

Federal Register, Vol 74, Nr 7, Page 1153, 1/12/09

SBA Agency Scorecard

- Second annual scorecard
  - FY07 results - $83.2B (up by $6B)
  - Each socio-economic group showed increases of at least $1B
  - Federal subcontracting dollars were not included; valued at $64.8B to SB.
  - Federal wide: 22 percent contracting dollars to SB; goal is 23 percent.

www.sba.gov/aboutsba/sbaprograms/goals/index.html

SBA Agency Scorecard

- Met all goals: VA, DOE, and SBA
- Met 4 of 5 goals: DHS, USDA, DOT, DOI, NRC, GSA, EPA
- Met 3 of 5 goals: DOL and State
- Met 2 of 5 goals: Treasury, HUD, OPM, NSF, and NASA
- Met 1 of five goals: DOC, DOD, SSA
- Met 0 goals goals: DOJ and USAID

www.sba.gov/aboutsba/sbaprograms/goals/index.html

CCR Passwords

- CCR TPIN (trading partner ID number) replaced by user ID and password
- Implemented Dec 21; deadline July 1.
- Allows multiple maintenance POCs
  - CCR Primary and alternate POCs with multiple DUNS registrations can associate them to one user ID and password.

Instructions:
www.ccr.gov/faq.aspx#accounts

Alliant SB Contract

- GSA's Alliant Small Business contract is "on schedule for award by end of the month"
- IT services from SB
- 72 companies
- Valued at up to $15 B over 5-year base period with 5-year option
  - Original Alliant contract was cancelled in 12/07
  - Will allow SB credit for GSA orders placed
  - Contract types: including fixed-price, time & material, cost reimbursement, labor, hour.

U.S. Small Business Administration

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National Ombudsman

SBA Program Office: SBA Programs

Mission

The National Ombudsman's primary mission is to assist small businesses when they experience excessive or unfair federal regulatory enforcement actions, such as repetitive audits or investigations, excessive fines, penalties, threats, retaliation or other unfair enforcement action by a federal agency. More...

File a Complaint or Comment

> File a Comment or Complaint on-line

> Print a blank Comment Form. Complet and submit it by fax or mail

2007 Report to Congress

2008 National Regulatory Fairness Hearing

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Resource to refer small business

www.sba.gov/ombudsman

SBA Office of Advocacy
www.sba.gov/advo

The Small Business Watchdog

Official Blog of the U.S. Small Business Administration's Office of Advocacy

As the Voice of Small Business in Government, Advocacy invites you to post your thoughts on this moderated blog, provided as a forum for the small business community.

- Focus on: regulatory policy, SB research and statistics, state & regional, and uncategorized issues.
- **Weblog.sba.gov/blog-advo**
  - Recent posts: Changes to ADA & what that can mean; EPA spill control requirements streamlined; trade associations deal with recession as memberships decline; healthcare reform.

GAO Decision – SBSA

Information Ventures, Inc. (B-400604, 12/22)

GAO denied protest where the agency market research supported its decision not to set-aside a procurement for small businesses.

- Sources sought notice required submittal of references for similar work being performed to demonstrate firm's ability.
  - 26 submittals; 0 determined to be capable
- Additional MR included acquisition history (2 SBs; one no longer small and one not technically acceptable)
- Similar buy was smaller in scope and seen as not comparable.

GAO Decision - HZ

Ashland Sales & Service Co. JV (B-400466, 10/23)

- GAO denied a protest that HZSA prices were too high.
- 75% of requirement was SBSA; 25% HZSA
- SBSA awarded at 30% lower price than HZSA portion
- Adequate competition in HZSA portion supported price analysis decision to make an award
  - *"a small business concern's price is not unreasonable merely because it is higher than the price of an ineligible large business…we think our statements apply equally in the context of a HUBZone small business set-aside."*

GAO Decision - SDVOSB

Major Contracting Services, Inc. (B-400616, 11/20)

GAO denied a protest seeking contract termination where SDVOSB status was protested after award & SBA determined the company was ineligible as SDVOSB

FAR Part 13 procedures with award on 5/28; protestor notified on 6/2; protested on 6/5; agency allowed performance to continue; size determination was appealed.

SDVOSB Regulations don't require contract termination:

13 CFR 125.27(g): *If a contract has already been awarded, and SBA sustains the protest, then the contracting officer cannot count the award as an award to a SDVO SBC and the concern cannot submit another offer as an SDVO SBC on a future SDVO SBC procurement…"*

GAO Decision - SBSA

Delex Systems, Inc. (B-400403, 10/08)

GAO sustained the protest where the agency did not set-aside a delivery order on a multiple award contract.

Four SB and four LB received awards for an IDIQ.

Solicitation language reserved the right to set-aside individual delivery orders. After size recertification, 2 SBs remained.

Agency argued that 'rule of two' doesn't apply to delivery orders. GAO disagreed: *"we conclude that individually-competed task and delivery orders are 'acquisitions'… and the Rule of Two applies."*

GAO concluded agency didn't adequately document basis for its determination; didn't adequately support decision.

SBA's Implementation

DOD Implementation:
"How's that going for you?"

Concerns?
Questions?
Tips to share?